IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 28948 of 2006(U)

PETITIONER:

ABDUL KAREEM, S/O.HASSAN KUTTY,
MANCHERY KURIKKAL HOUSE, POTHOOR,
NILAMBUR.

BY ADV. SRI.DILIP MOHAN
SRI.N.HARIMOHAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, LOCAL SELF GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. REVENUE DIVISIONAL OFFICER,
PERINTHALMANNA, MALAPPURAPM DISTRICT.

3. POROOR GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, POROOR,
MALAPPURAM DISTRICT.

4. THE HEALTH INSPECTOR,
POROOR GRAMA PANCHAYATH, POROOR,
MALAPPURAM.

5. APPU, S/O.CHENNAN,
CHELAKKAL HOUSE, KARUVATTUKUNNU, POROOR,
MALAPPURAM.

ADDL. 6. THE C.I. OF POLICE, VANDOOR, MALAPPURAM.

ADDL. 7. THE ENVIRONMENTAL ENGINEER, POLLUTION CONTROL BOARD,
MALAPPURAM.

ADDL. RESPONDENTS 6 AND 7 ARE IMPLEADED ON ORAL APPLICATION
BY COUNSEL FOR THE PETITIONER AS PER ORDER DATED 6.12.2006
IN THE WRIT PETITION

R3 BY ADV. SRI.M.SASINDRAN
ADDL. R7 BY ADV.SRI.M.K.CHANDRA MOHANDAS,SC.
R1, R2 AND R6 BY SR.GOVT.PLEADER SRI.K.J.MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.28948/06

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF BASIC TAX RECEIPT ISSUED IN RESPECT OF PETITIONER'S PROPERTY.

EXT.P2 – TRUE COPY OF PUBLIC NOTICE DT.16.10.06 ISSUED BY PANCHAYAT.

EXT.P3 – TRUE COPY OF NOTICE ISSUED TO PETITIONER'S EMPLOYEE SANKAR FROM R2.

EXT.P4 – TRUE COPY OF PETITION DT.26.10.06 SUBMITTED BEFORE R3.

3RD RESPONDENT'S EXTS:

EXT.R3(A) – TRUE COPY OF COMPLAINT SUBMITTED BY THE RESIDENTS OF CHELAKKAD COLONY BEFORE THE PANCHAYAT.

EXT.R3(B) – TRUE COPY OF REPORT DT.20.9.06 SUBMITTED BY HEALTH INSPECTOR.

EXT.R3(C) – TRUE COPY OF COMPLAINT DT. 26.10.06 SUBMITTED BY NEARBY RESIDENTS.

EXT.R3(D) – TRUE COPY OF LETTER SUBMITTED BY SECRETARY OF PANCHAYAT TO C.I. OF POLICE, VANDOOR.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.28948 OF 2006

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DATED THIS THE 8TH OCTOBER, 2007

J U D G M E N T

The learned counsel for the petitioner submits that the petitioner is ready and willing to comply with all the directions which have been given by the Pollution Control Board to him on considerations of control of pollution in the poultry farm. But it is submitted on behalf of the Standing Counsel for the Pollution Control Board that the petitioner is yet to comply with the directions given to him by the Board. The Standing Counsel therefore opposes continuance of the interim order for maintenance of status quo.

2. Under these circumstances, I dispose of the Writ Petition issuing the following directions:-

1. The interim order passed by this Court on 6.11.2006 directing maintenance of status quo as regards the dumping of waste by the petitioner will continue for a period of one month from today.

2. The petitioner shall comply with all the directions already issued to him by additional 7th respondent within two weeks from today.

3. The 4th respondent and the additional 7th respondent

shall conduct separate inspections of the petitioner's premises for verifying whether the petitioner has complied with the directions issued to him by the additional 7th respondent. The order directing maintenance of status quo will continue beyond one month only if the the additional 7th respondent and the 4th respondent inform the 3rd respondent-Panchayat that the directions issued by the additional 7th respondent are being complied with to their satisfaction by the petitioner.

(PIUS C.KURIAKOSE, JUDGE)

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